

[Report No. 54.]

IN THE HOUSE OF REPRESENTATIVES.

MARCH 3, 1863.

Read twice, laid on the table, and ordered to be printed.

Mr. SEDGWICK, from the Committee on Naval Affairs, reported
the following bill:

A BILL

To provide for the construction of a ship canal for the passage of
armed vessels around the Falls of Niagara, in the State of
New York.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President of the United States be, and he is hereby,
4 requested to cause to be made preliminary surveys for the
5 purpose of ascertaining the most practicable route upon which
6 a ship canal of sufficient size for the safe passage of armed
7 vessels can be most expeditiously constructed around the Falls
8 of Niagara, in the State of New York; and an appropriation
9 of the sum of thousand dollars is hereby made for that
10 purpose.

1 SEC. 2. *And be it further enacted, That, if the result*

2 of such surveys shall show to the satisfaction of the President
3 that the present hydraulic canal at said falls, or any consider-
4 able portion thereof, shall be available for such ship canal, then
5 Horace H. Day, of New York, the present owner of said
6 canal, together with an engineer of the topographical corps
7 of the United States army, to be designated by the Secretary
8 of War, and a citizen of the United States to be designated by
9 the President of the United States, shall be commissioners,
10 with authority, under the direction of the Secretary of War, to
11 construct a ship canal around said falls, in such a manner as to
12 furnish a suitable and sufficient water communication for the
13 gunboats and other naval and war vessels of the United States,
14 upon the conditions and in the mode hereinafter provided.

1 SEC. 3. *And be it further enacted,* That the said com-
2 missioners shall forthwith, upon their appointment, make a
3 careful examination and survey of said locality and determine
4 upon a suitable plan for the improvement aforementioned,
5 which plan shall provide for the enlargement of said hydraulic
6 canal and the construction of the remainder of said canal, of
7 a width of not less than eighty feet at bottom, and of a depth
8 of not less than ten feet, with double locks of not less than
9 two hundred and twenty feet in length, and forty-five feet in
10 width, with safe and convenient harbors for vessels at either
11 end of the said canal on the Niagara river, in such manner
12 as to insure a safe and uninterrupted water navigation between

13 Lake Erie and Lake Ontario, at all times during the season of
14 navigation, of gunboats, steamboats, naval and war vessels of
15 the United States, and all other vessels; which plan shall be
16 submitted to the President of the United States for his
17 approval.

1 Sec. 4. *And be it further enacted,* That upon the ap-
2 proval of the plan of the improvement aforesaid by the President
3 of the United States, and as soon as the State of New York
4 shall have ceded to the United States jurisdiction over the
5 land which may be needed for said canal, including its banks
6 and margins, towpaths and feeders, and the right of way
7 shall be obtained for the same for the United States, either by
8 purchase or by grant from the State of New York, or under
9 authority granted by said State, in the manner now provided
10 by the general railroad law of said State passed in eighteen
11 hundred and fifty, and the several acts amendatory thereto,
12 for taking land for railroad purposes, (the owners of the land
13 and private property thus condemned and taken to be com-
14 pensated therefor in the manner provided by said laws,) the
15 said commissioners are hereby authorized to construct the
16 said improvement according to the said plan, under the direc-
17 tion of the Secretary of War, and to prosecute the same to
18 completion within three years from the time of the com-
19 mencement of the work, making semi-annual reports of the
20 progress thereof to said Secretary.

1 SEC. 5. *And be it further enacted,* That the said com-
2 missioners shall, under the direction of the Secretary of War,
3 have the exclusive control and management of the said canal
4 and improvements, including the regulation of the right to
5 use water for hydraulic purposes at the places where it may
6 now be rightfully used, and shall have power to establish all
7 needful rules and regulations concerning the use and naviga-
8 tion of said canal as a navigable highway, and to fix, alter,
9 and modify the rates of toll upon said canal, and, under the
10 direction of the Secretary of War, to employ such agents,
11 engineers, surveyors, draughtsmen, collectors, and other per-
12 sons, as they may judge necessary for the performance of the
13 work hereby committed to them, with full power to enter
14 upon, appropriate, use, and condemn any lands, water
15 streams, and materials of any and every description necessary
16 for the prosecution of the improvement contemplated by this
17 act: *Provided,* That when private property shall be taken
18 for such purposes, the same shall be condemned and com-
19 pensation made therefor, under the laws of the State of New
20 York, as hereinbefore provided. And it shall be the duty of
21 such commissioners to cause all the work done upon said im-
22 provements to be let to the lowest responsible bidder at public
23 lettings, of which sufficient public notice, by advertisement in
24 the public newspapers, shall be given; but said commissioners
25 shall have full power and authority to reject any and all bids

26 or propositions for the construction of said work which they
27 shall deem not compatible with the public interest.

1 SEC. 6. *And be it further enacted,* That when the said
2 commissioners shall have given security satisfactory to the
3 Secretary of War, in the sum of two hundred and fifty thou-
4 sand dollars, that they will cause said canal to be completed
5 with no greater advance from the United States than the sum
6 hereinafter named, within three years from the time of com-
7 mencing work upon said canal, and when the owner or owners
8 of said hydraulic canal shall have executed a conveyance to
9 the United States of the right of way over and through the
10 same for all war and naval vessels of the United States, and
11 also creating a first lien upon the same for the advances here-
12 inafter named to the amount of two hundred and fifty thou-
13 sand dollars, satisfactory to the Attorney General of the
14 United States, the Secretary of the Treasury of the United
15 States is hereby authorized to issue the bonds of the United
16 States, payable twenty years from the date thereof, with
17 interest at six per centum, payable semi-annually, and to de-
18 liver the same to said commissioners, the proceeds thereof to
19 be applied to the completion of said work, and from time to
20 time to issue other bonds of a similar description, and to de-
21 liver the same to said commissioners for the same purpose,
22 upon satisfactory evidence that the proceeds of all such bonds
23 previously issued had been applied to the prosecution of said

24 work, in amounts of two hundred and fifty thousand dollars,
25 or of larger amounts if recommended by the President and
26 Secretary of War: *Provided*, That the total amount of the
27 bonds so issued for said purpose shall not exceed the sum of
28 ten millions of dollars.

1 SEC. 7. *And be it further enacted*, That the amount
2 so advanced by the United States shall be a prior lien upon
3 said canal and all its appurtenances and structures, to all other
4 claims and liens whatsoever; and that the revenues derived
5 from said canal, over and above the expenses of management,
6 and by repairs and expenditures thereon, shall be applied,
7 first, to the payment of the interest and principal expended
8 by the United States upon said work, until the same shall
9 have been fully paid.

1 SEC. 8. *And be it further enacted*, That the salaries of
2 said commissioners shall be such sum, not exceeding
3 thousand dollars per annum, as the Secretary of War shall,
4 with respect to their respective duties and services, deter-
5 mine; and that all the accounts of the disbursements upon
6 said canal, including its construction, repairs, and manage-
7 ment, as well as an account of all receipts for the navigation
8 of the same, shall be returned quarterly to said Secretary.

1 SEC. 9. *And be it further enacted*, That whenever, at
2 any time before the maturity of said bonds, the United States
3 shall have received from the tolls for the navigation of said

4 canal, or from said tolls and from the owner or owners of said
5 hydraulic canal, the whole amount of their advances and dis-
6 bursements on account of the same, both principal and inter-
7 est, that then and in such case the owner or owners of said
8 hydraulic canal shall be entitled to said canal, and shall be-
9 come the owners thereof, and shall receive a grant thereof
10 from the United States of America: *Provided*, That said
11 canal shall at all times thereafter, as theretofore, be free from
12 any toll from the United States for the transportation of any
13 vessels-of-war, troops, and public property over and through
14 the same at all times: *And provided, further*, That the same
15 shall be open and free to the navigation of all the citizens of
16 the United States, upon such reasonable tolls as shall be fixed
17 by the commissioners to be appointed, once in every ten
18 years: one by the owners of said canal, one by the governor
19 of the State of New York, and one by the President of the
20 United States.

1 SEC. 10. *And be it further enacted*, That said canal,
2 when completed, shall be a military, naval, and postal high-
3 way, and shall be established as such, under the conditions
4 aforesaid, to the United States and the people thereof for-
5 ever.